

REMARKS

Applicant respectfully requests reconsideration and allowance of subject application. Claims 23-25 are pending. Applicant thanks the Examiner for the detailed analysis presented in the current Office Action.

Claim Rejections Under 35 U.S.C. § 103

Claims 23 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,058,389 issued to Chandra et al. (hereinafter "*Chandra*") in view of U.S. Patent No. 6,094,694 issued to Hickson et al. (hereinafter "*Hickson*"), and further in view of U.S. Patent No. 6,529,932 issued to Dadiomov et al. (hereinafter "*Dadiomov*"). Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Chandra*, *Hickson*, and *Dadiomov*, and further in view of U.S. Patent No. 6,529,932 issued to Dadiomov et al. (hereinafter "*Dadiomov*"). Applicant respectfully traverses these rejections.

Portions of **Claims 23 and 25** are reproduced below:

23. A method for a sender to guarantee an exactly once delivery of a message to a receiver, the method comprising:

...sending to the receiver the message in association with the expiration time and with the identifier; and

upon reaching the expiration time, if the message has not yet been deleted, then deleting the message along with the identifier and the expiration time associated with the message, the *deleting being performed by a scavenger thread of the sender.*" (Emphasis added.)

25. A computer-readable medium having instructions for performing a method for a sender to guarantee an exactly once delivery of a message to a receiver, the method comprising:

...sending to the receiver the message in association with the expiration time and with the identifier; and

upon reaching the expiration time, if the message has not yet been deleted, then deleting the message along with the identifier and the

1 expiration time associated with the message, the *deleting being performed*
2 *by a scavenger thread of the sender.*" (Emphasis added.)

3 The combination of *Chandra* and *Hickson*, in view of *Dadiomov*, fails to
4 disclose the recited method of claims 23 and 25. Namely, *Chandra* and *Hickson*,
5 in view of *Dadiomov*, fail to disclose "upon reaching the expiration time, if the
6 message has not yet been deleted, then deleting the message along with the
7 identifier and the expiration time associated with the message, the *deleting being*
8 *performed by a scavenger thread of the sender.*" (Emphasis added.)

9 The Office realizes *Chandra* is deficient in relation to the subject matter of
10 claims 23 and 25. In particular, the Office appreciates *Chandra* fails to teach or
11 suggest at least the subject matter of the claims that is indicated in the preceding
12 paragraph. The Office asserts *Hickson* cures this deficiency of the *Chandra*
13 patent. But *Hickson* teaches processing of messages at a receiver-side, where the
14 claims 23 and 25 set forth subject matter that pertains to sender-side operations.
15 Similarly, *Dadiomov* also teaches processing of messages at a receiver-side.
16 Therefore, Applicant believes the Office's reasons for rejecting the claims are
17 unsustainable.

18 In one exemplary implementation described in the present Application, a
19 sender sends a message to a receiver, where the message includes an identifier and
20 an expiration time. The sender also saves the message in a local database, to
21 include the message's identifier and expiration time. (Application specification,
22 page 2, lines 17-20.) The sender also includes a scavenger thread that will delete a
23 message after it expires. (Application specification, page 13, lines 14-15.)

24 The Office, on page 5 of the current Office Action, states the "specification
25 describes 'scavenger thread' as a process the periodically runs at both sender and
receiver and deletes any message that is expired." However, the specification also

1 states, on page 13, lines 14-15, that the "sender's scavenger thread will delete the
2 message anyway after it expires." As the Office is aware, the Applicant is
3 permitted to disclose multiple implementations of an invention in one application.
4 The Applicant of the present Applicant has chosen to do exactly that, but the
5 rejected claims 23 and 25 are directed to the implementation that describes the use
6 of a scavenger thread at the sender-side. That is, claims 23 and 25 both recite that
7 at least one message may be deleted "by a scavenger thread of the sender." There
8 is no mention that the receiver takes part in the deleting process.

9 In addition to the above, the Applicant would like to remind the Office that
10 it is prohibited from using the Applicant's own invention against him. Yet, it
11 appears the Office is attempting to do just that by referencing description from the
12 specification of the present Application. (See page 5, second paragraph, of the
13 current Office Action.) If included in a patent application, only the description
14 identified as "prior art" may be used against an applicant to reject the claims of the
15 application. The description cited by the Office on page 5 of the current Office
16 Action is not indicated as being prior art. Therefore, the Office's reference to that
17 description in connection with the rejection of claims 23 and 25 is legally
18 impermissible and is thus improper.

19 *Chandra* teaches an arrangement for queuing messages received from
20 "agents." *Chandra* does not discuss in detail the operation of these agents. In
21 fact, *Chandra* indicates that the agents "are considered outside the structure of the
22 queuing system, and therefore are not described in detail in this document."
23 (*Chandra*; column 9, lines 5-9.) In essence, the *Chandra* arrangement is a receiver
24 of messages and the agents are the senders. Thus, *Chandra* certainly is unable to
25 teach or suggest "deleting being performed by a scavenger thread of the sender,"

1 as is set forth in claims 23 and 25, since senders are not addressed in the *Chandra*
2 patent.

3 *Hickson* teaches an arrangement for handling messages at a receiver-side.
4 The arrangement comprises a computer system 1c that includes a message queue
5 11 and a processor 13. (*Hickson*; column 4, lines 21-29.) The computer system 1c
6 receives new messages and stores the messages in a queue 11. The messages are
7 sent from another computer system 1a or 1b. (*Hickson*; column 4, lines 21-29.)

8 The processor 13 of the receiver side handles retrieval of messages from the
9 queue 11; the handling functions related to the messages after they are retrieved.
10 According to *Hickson*, the processor 13 will delete retrieved messages based on
11 various expiration criteria. (*Hickson*; column 5, lines 6-18.)

12 *Dadiomov* teaches guaranteeing delivery of messages to a receiver. The
13 section cited by the Office (column 7, lines 15-31) discloses that it is important to
14 ensure that messages are delivered to “a destination queue once and only once.”
15 However, the relied upon patent does not teach or suggest the use of “a scavenger
16 thread of a sender” to delete messages.

17 *Chandra*, *Hickson*, and *Dadiomov* do not discuss the particulars related to
18 how a sender handles messages sent to a receiver. In fact, *Chandra*, *Hickson*, and
19 *Dadiomov* only address the sender side of messages for the sole purpose of
20 explaining that messages are sent from some entity or location. Additional
21 discussion of a sender is simply not provided, nor is such discussion necessary
22 based on the inventions described by the three patents relied upon the Office.

23 Because *Chandra*, *Hickson*, and *Dadiomov* do not discuss the details of
24 how a sender handles messages, the Office may not fairly assert that the
25 combination of *Chandra*, *Hickson*, and *Dadiomov* teaches or suggests “upon

1 reaching the expiration time, if the message has not yet been deleted, then deleting
2 the message along with the identifier and the expiration time associated with the
3 message, the *deleting being performed by a scavenger thread of the sender.*"
4 (Emphasis added; claims 23 and 25.) Therefore, Applicant respectfully submits
5 that the rejection of claims 23 and 25 in view of *Chandra, Hickson*, and *Dadiomov*
6 is improper.

7 In addition to the above, the Applicant would like to comment on the
8 overall merit of rejection in view of *Chandra, Hickson*, and *Dadiomov*. The
9 Office states, on page 5, second paragraph, of the current Office Action, that
10 "[f]igure 3 of *Hickson* discloses a process that checks whether a message is
11 expired and deletes any expired message." According to the Office, this process is
12 "interpreted as the 'scavenger thread' as claims." As the Applicant discussed
13 above, the *Hickson* described processor 13 deletes retrieved messages based on
14 various expiration criteria. (*Hickson*; column 5, lines 6-18.) These retrieved
15 messages are local at the *Hickson* described system, where the system is a receiver
16 of messages. The foregoing assertion by the Office is incorrect and thus does not
17 address the limitation that recites "*deleting [is] being performed by a scavenger*
18 *thread of the sender.*" This language is found in claims 23 and 25.

19 **Claim 24** allowable by virtue of at least its dependency on an allowable
20 independent claim.

21 In accordance with the above, Applicant respectfully requests that the § 103
22 rejections of claims 23-25 be withdrawn.
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1 **Conclusion**

2 Claims 23-25 are in condition for allowance. Applicant respectfully
3 requests reconsideration and prompt allowance of the subject application. If any
4 issue remains unresolved that would prevent allowance of this case, **the Examiner**
5 **is requested to urgently contact the undersigned attorney to resolve the issue.**

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9 Date: 5-19-2006

Respectfully Submitted,

By: 

Tim R. Wyckoff
Lee & Hayes, PLLC
Reg. No. 46,175
(206) 315-4001 ext. 110